

AMENDMENTS TO THE DRAWINGS

Applicants have amended Figures 1A, 1B, 2, 3B, 4B, 5A, 5B, 6, 7, and 8 to correct inadvertent formatting errors and to address the Examiner's objections. No new matter has been added. In addition, drawing headings have been added to each drawing sheet. Therefore, Applicants are submitting replacement sheets for all six drawings sheets.

Attachment: Replacement sheets (6)

Annotated sheets showing changes to the drawings (6)

REMARKS

Claims 1-4 and 10 were pending. Applicants thank the Examiner for indicating that claim 10 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph. Applicants have amended independent claim 1 to further define the invention and added new claims 23-26. No new matter has been added. In the Office Action, the Examiner objected to the drawings, the specification, and the claims for various informalities. In addition, the Examiner has rejected claims 1-4 under 35 U.S.C. §102(b) as being anticipated by Schmitz et al. (U.S. Patent No. 4,588,105). Applicants respectfully request reconsideration of the pending claims in view of the preceding amendments and the following remarks.

Objections to the Drawings and Rejections Under 35 U.S.C. § 112

In the Office Action (pages 3-6), the Examiner objected to Figures 1A, 1B, 2, 3B, 4B, 5A, 5B, 6, 7, and 8 for various informalities including a failure to show every feature of the invention as specified in the claims. In addition, the Examiner rejected claims 1-4 and 10 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The objections and rejections appear to be inter-related to the extent that they stem from the absence of a panel member in the drawings. In response, Applicants have amended the above-referenced Figures to address each of the informalities cited by the Examiner including amending Figure 8 to show the panel member and its relation to the physical barrier of claims 1-4 and 10. In light of the foregoing amendments, Applicants believe the objections and rejections to be moot and respectfully request withdrawal of the same.

Objections to the Specification

The Examiner has made numerous objections to the specification (Office Action, pages 6-8) including objections to the title and paragraphs [0022] – [0024] and [0026] – [0029]. In response, Applicants have amended the aforementioned paragraphs to correct the noted informalities.

The Examiner further objected to paragraphs [0019] – [0021] for an alleged informality in referencing the Figures. Specifically, the objection to paragraph [0019], being taken here as exemplary, states that “Paragraph [0019] is incorrect because only the plastic carrier (12) of Fig. 1A is shown in Fig. 6, not the entire physical barrier of Fig. 1B ...” (Office Action, page 6). Applicants disagree.

At the outset, Figure 1A illustrates an exploded view of physical barrier 12 including a patch 14 and a carrier 12. Figure 1B illustrates an assembled view of the physical barrier of Figure 1A. Paragraph [0019] as originally drafted in the specification states that, “FIG. 6 shows a cross-sectional view of the physical barrier of FIG. 1B according to another embodiment of the present invention.” The Examiner contends that this description is incorrect because Figure 6 only shows the plastic carrier (12) of Figure 1A. Applicants respectfully submit that the Examiner has misconstrued what is shown by Figure 6. Applicants draw the Examiner’s attention to Figure 6 and note that, consistent with the original language of paragraph [0019], Figure 6 clearly shows a cross-sectional view of the entire physical barrier including the patch 14 and the carrier 12. As previously stated, the argument as set forth above with respect to paragraph [0019] was exemplary, and is therefore equally applicable to paragraphs [0020] and [0021]. Accordingly, the objections with respect to paragraphs [0019] – [0021] should be withdrawn.

Claim Objections

The Examiner has objected to claims 1-4 and 10 for failing to include the phrase “We claim”, “The invention is claimed is”, or similar according to MPEP 608.01(m). Applicants note that the present application was electronically filed. As a result, the aforementioned language was inadvertently omitted. Applicants have amended the claims herein to include the phrase “The invention claimed is.” Accordingly, Applicants respectfully request withdrawal of the objection.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-4 were rejected under 35 U.S.C. 102(b) as being anticipated by Schmitz et al. (U.S. Patent No. 4,588,105). Applicants respectfully traverses this rejection.

Independent claim 1 as amended is directed to a physical barrier for sealing an orifice in a panel member. The physical barrier includes a plastic carrier having a top portion defined by a circumferential edge, and a deck portion disposed within a boundary defined by the circumferential edge. The physical barrier further includes a patch adapted to adhere to both the plastic carrier and the panel member. Claim 1 as amended further defines,

wherein said patch encapsulates said top portion of said plastic carrier including said deck portion and a bottom surface of said circumferential edge;

wherein a center portion of said patch is supported by said deck portion of said plastic carrier. (*Emphasis Added*).

In sum, the patch encapsulates the entire top portion of the carrier including the deck portion. Moreover, the deck portion of the carrier supports the center portion of the patch. Schmitz does not teach or suggest either of these features.

Rather, Schmitz discloses a sealing plug having a head portion and a heat responsive plastic ring. The plastic ring, which the Examiner contends is the “patch” of claim 1, is affixed

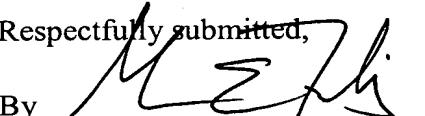
to the head portion of the plug in a number of configurations. However, none of these configurations teach or suggest the plastic ring extending across the top surface of the head portion and encapsulating the deck portion of the carrier (head portion), as required by claim 1. Indeed, a “ring” by its ordinary meaning would not be capable of encapsulating anything. Moreover, Schmitz does not teach or suggest that a deck portion of the carrier supports the patch, as further required by claim 1. Therefore, independent claim 1 and dependent claims 2-4 and 10 are patentable over the prior art of record and in condition for allowance. Applicants respectfully request withdrawal of the rejection.

CONCLUSION

Reconsideration and allowance are respectfully requested. In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes any fee due has been addressed in an accompanying fee transmittal. Please charge our Deposit Account No. 18-0013, under Order No. 65765-0037 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to such deposit account number.

Dated: April 26, 2006

Respectfully submitted,
By 
Glenn E. Forbis

Registration No.: 40,610
RADER, FISHMAN & GRAUER PLLC
39533 Woodward Avenue, Suite 140
Bloomfield Hills, Michigan 48304
(248) 594-0636
Attorney for Applicant

Attachments

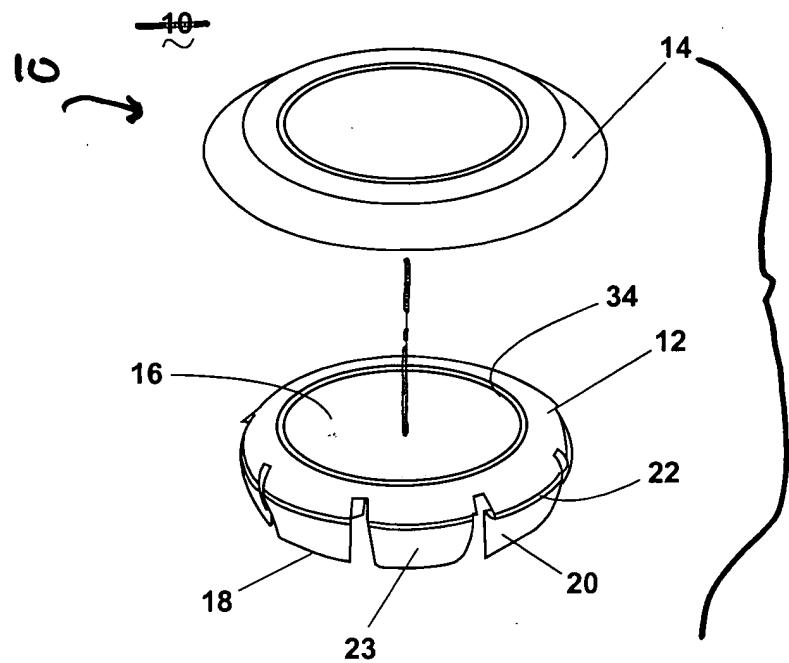


Fig. 1A

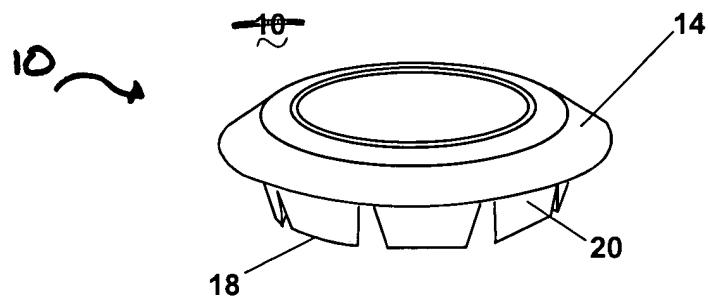


Fig. 1B

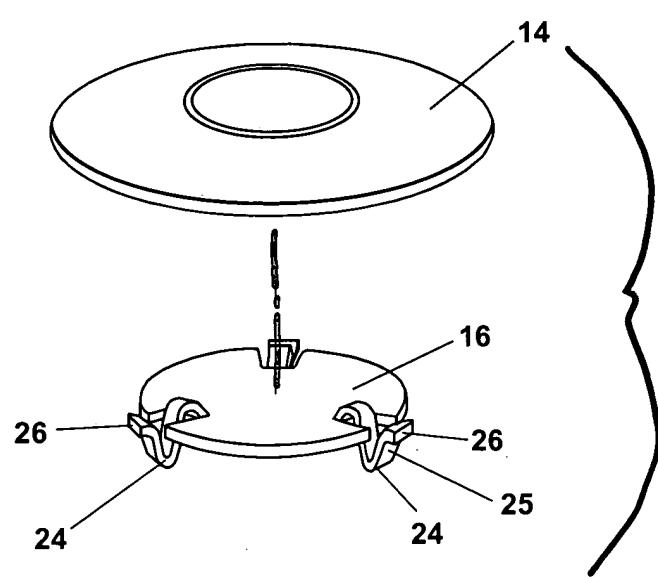


Fig. 2

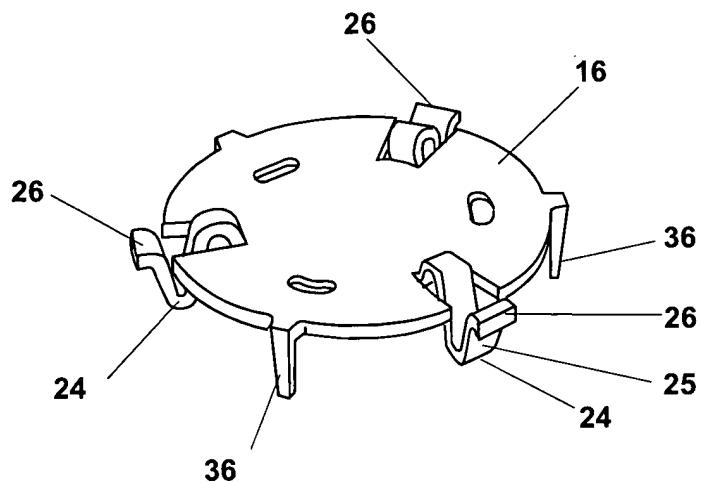


Fig. 3A

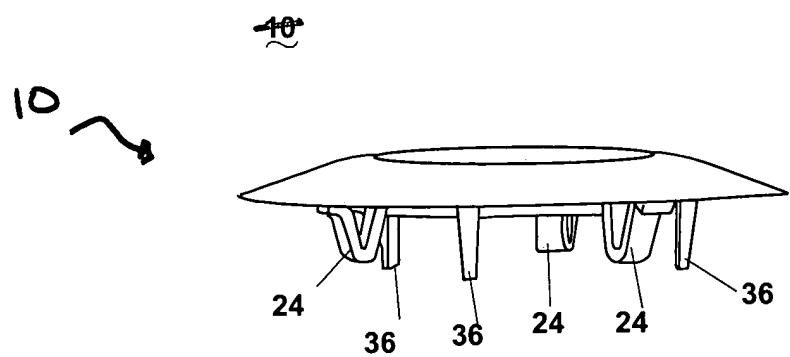


Fig. 3B

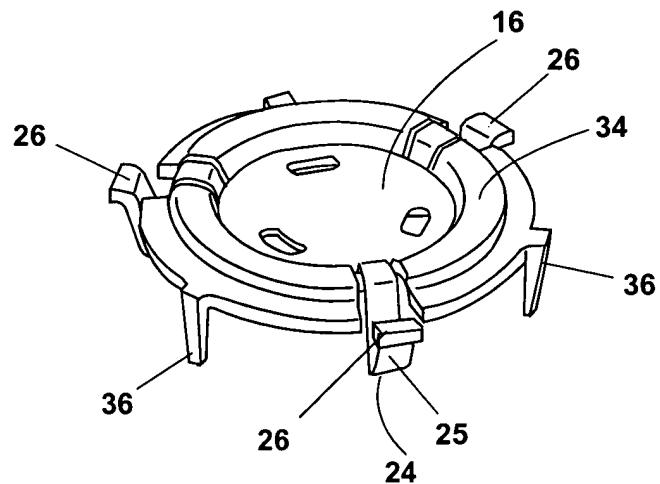


Fig. 4A

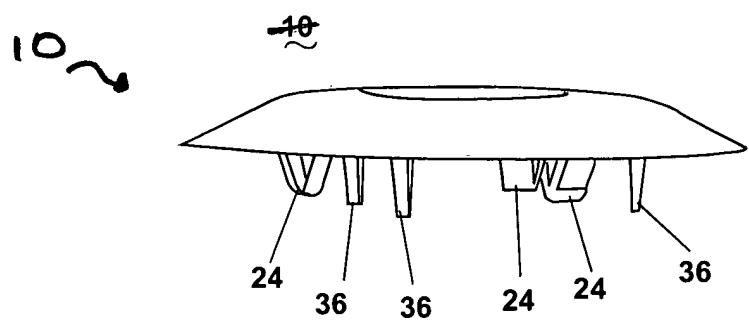


Fig. 4B

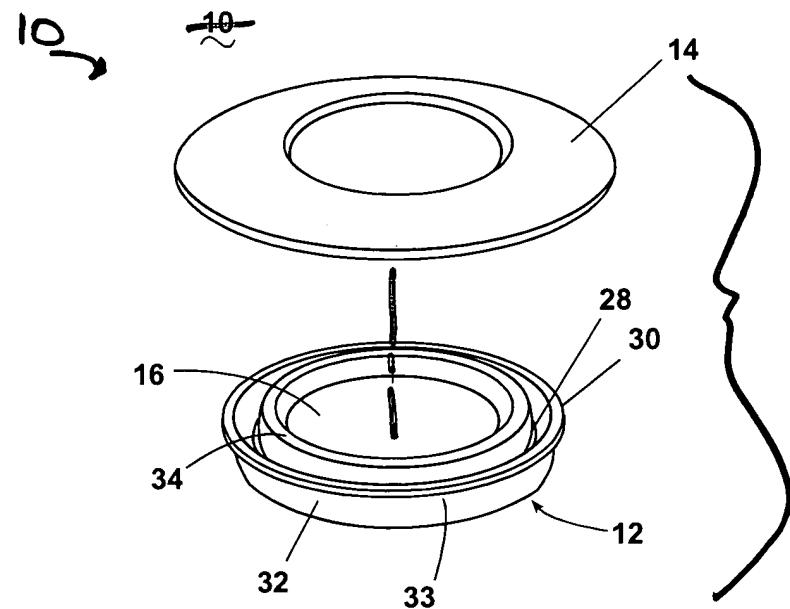


Fig. 5A

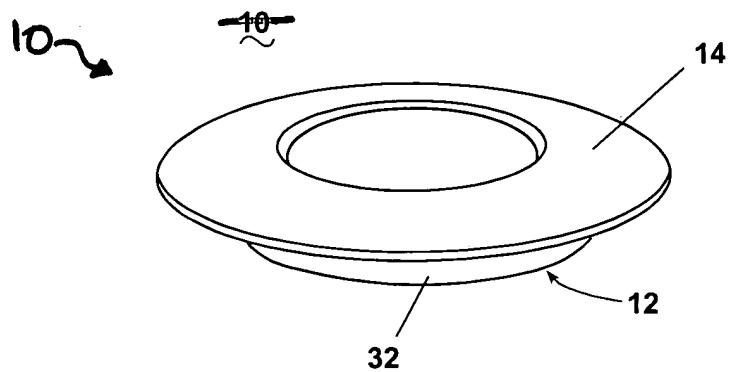


Fig. 5B

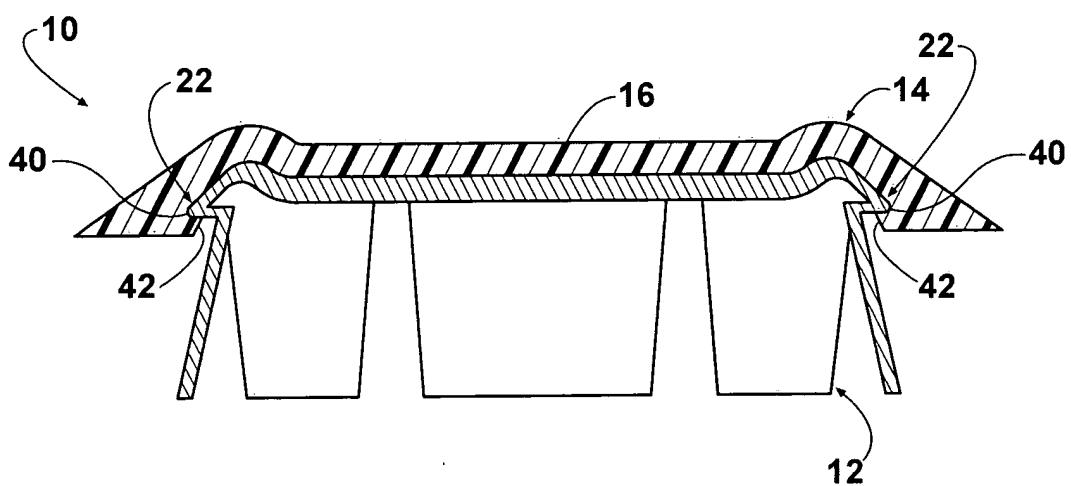


Fig. 6

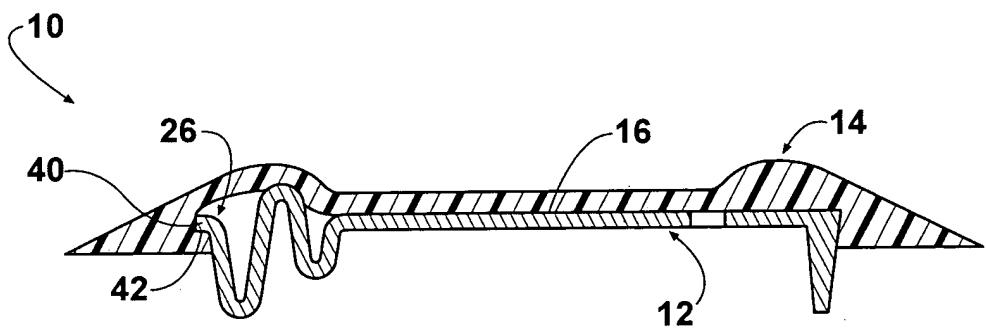


Fig. 7

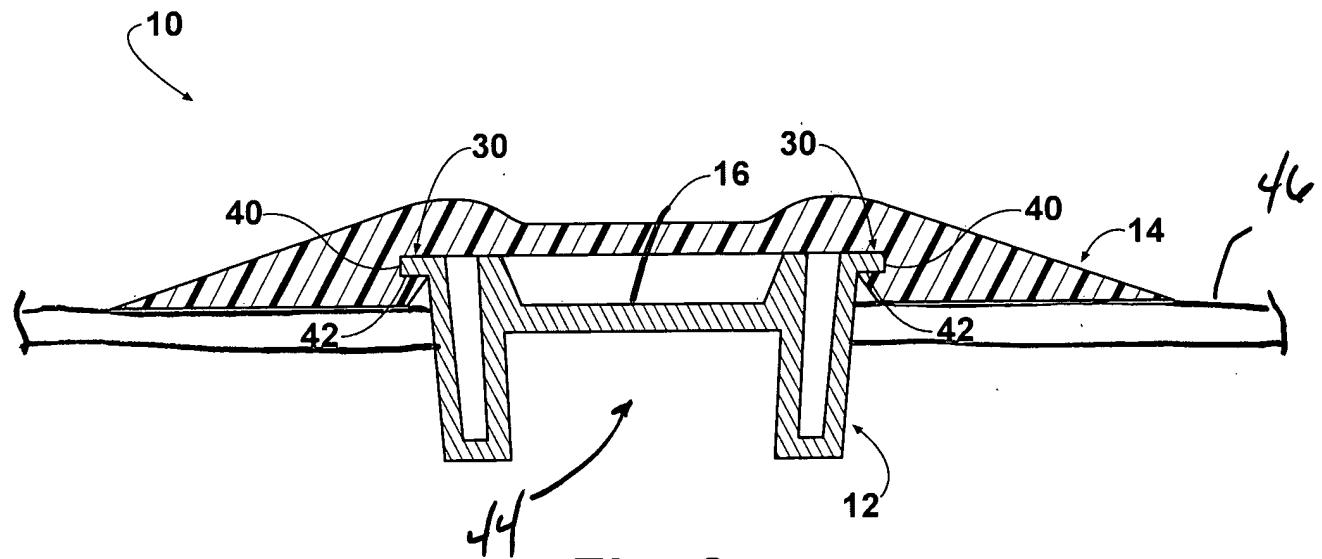


Fig. 8